

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

vs

3:CR-18-97

ROSS ROGGIO

BEFORE: THE HONORABLE ROBERT D. MARIANI

PLACE: COURTROOM NO. 4

PROCEEDINGS: TRIAL EXCERPT - ALEX DOUVILLE

DATE: THURSDAY, MAY 11, 2023

APPEARANCES:

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1 THE COURT: Ready to proceed?

2 MR. CLAFFEE: We are, Your Honor. The government
3 calls Alex Douville.

4 ALEX DOUVILLE, called as a witness, being duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION

7 ON QUALIFICATIONS

8 BY MR. CLAFFEE:

9 Q. Good afternoon, Mr. Douville.

10 A. Good afternoon.

11 Q. Make sure you speak into the microphone.

12 A. Sure.

13 Q. Please tell the jury where you currently work.

14 A. I work at the Director of Defense Trade Controls in the
15 State Department, U.S. State Department.

16 Q. How long have you worked at the state department?

17 A. I've worked there for going on a little over 12 years.

18 Q. What is your current title?

19 A. I am a division chief for the space and missile and sensor
20 teams as well as the small arms of light weapons team.

21 Q. How long have you been in the role of division chief?

22 A. Full-time about two years, and I was acting for a couple
23 years before that, so four years total.

24 Q. What are your responsibilities as division chief?

25 A. It's my job to ensure that the cases that we receive for

1 exports for defense articles are adjudicated to ensure they are
2 consistent with U.S. national security and foreign policy, and
3 I run the day-to-day operations of my team. I have two teams
4 about five to eight people each of who process the cases, and I
5 do the final adjudication of their cases.

6 Q. What is a case?

7 A. Oh, a case is whenever a -- I work with direct commercial
8 sales of exports of defense articles. And whenever an
9 applicant or someone who is in the business of selling arms
10 overseas gets a purchase order, they need to submit a license
11 to export hardware and defense services or tech data. So I
12 supervise, and we review those cases.

13 Q. What does the small arms and training do?

14 A. The small arms and light weapons team --

15 Q. Sorry.

16 A. That's fine. The United States munitions list is divided
17 up into categories, 21 categories. My team controls the small
18 arms and light weapons categories. Those are categories one,
19 two and three. We also do nine and 14.

20 Q. How about the other division, space and missile --

21 A. Yes, space and missile covers -- as you would believe, the
22 category four is for missiles, category 15 is space.

23 Q. What did you do before you became a division chief?

24 A. I was a licensing officer on the space and missile team.

25 Q. What does a licensing officer do?

1 A. A licensing officer gets assigned cases -- export license
2 cases that they need to review. I review them for regulatory
3 and administrative review to make sure that they have submitted
4 all the correct paperwork. Then I make sure that the
5 application is filled out correctly and selecting the right
6 categories.

7 Then I staff the case out to reviewers to review the case
8 for national security and foreign policy concerns. And then
9 when those staffing positions submit their final positions,
10 then I review those positions and do a final adjudication of
11 the case and either issue it as an approval, approval with
12 conditions or a R. W. A., which is return without action or a
13 denial.

14 Q. So how many of these types of reviews you have done
15 yourself?

16 A. Thousands.

17 Q. In your role as division chief, you supervise others that
18 perform reviews?

19 A. Yes.

20 Q. How many reviews have you supervised in that capacity?

21 A. Last year and the year previously, my small arms and light
22 weapons team did about 10,000 cases each year.

23 Q. What's your educational background?

24 A. I have a master's degree in American history and a
25 bachelor's in European history.

1 Q. Are you familiar with generally with how the state
2 department controls certain items for export?

3 A. Yes.

4 Q. And if items are controlled for export, what are those
5 items called?

6 A. Defense articles.

7 Q. Can you describe the general organization of the export
8 regulations?

9 A. Yeah, Congress passed the Arms Export Control Act, and
10 that is the law that delegated or that authorized the
11 presidents to control the export of and temporary import of
12 defense articles. Now, the law -- that's the law, but the
13 regulations that -- the regulations that we use to implement
14 the law is called International Traffic and Arms Regulations,
15 the I.T.A.R. Within the I.T.A.R. it's divided into nine
16 chapters. One of those chapters is the United States munitions
17 list, a listing of all defense articles that what the U.S.
18 government considers a defense article to be controlled, and it
19 also talks about registration and how to submit licenses and
20 policies and procedures.

21 Q. So what's a defense article?

22 A. A defense article is a thing that is on the United States
23 munitions list that is especially designed for a military
24 purpose.

25 Q. How is the United States munitions list categorized or

1 organized?

2 A. It's divided up into 21 categories. Each one is -- has a
3 separate commodities they are called -- so categories one would
4 be small arms, category two is larger weapons, like, above 50
5 caliber machine guns, category three is ammunition, four is
6 missiles and so on.

7 Q. Does your day-to-day work involve referencing the United
8 States munitions list?

9 A. Every day.

10 Q. I believe you also talked a little bit about the licensing
11 process. Are you familiar with the licensing process at D. D.
12 T. C.?

13 A. Yes.

14 Q. How did you come to be familiar with that process?

15 A. By, like, going through training and processing and being
16 on -- and being a licensing analyst on a commodity team.

17 Q. Have you testified before as an expert on defense articles
18 United States munitions list and the state department licensing
19 process for exports?

20 A. Yes.

21 MR. CLAFFEE: Your Honor, the government offers Alex
22 Douville as an expert on defense articles, the U.S.M.L., United
23 States Munitions List, and the state department licensing
24 process.

25 MR. BARTOLAI: He's accepted.

1 THE COURT: The witness is received as you have
2 offered him as an expert as you described him.

3 MR. CLAFFEE: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. CLAFFEE:

6 Q. Are you familiar with a firearm known as an M. 4 rifle or
7 M. 4 carbine?

8 A. Yes.

9 Q. Can you describe that weapon, please?

10 A. An M. 4 fully automatic firearm is a military assault
11 rifle that is used by our armed forces.

12 Q. Is an M. 4 rifle a defense article?

13 A. Yes.

14 Q. Was it listed on the United States Munitions List in 2016?

15 A. Yes.

16 Q. Under what category?

17 A. Category 1 B, and 1 B. is automatic firearms up to and
18 including 50 caliber.

19 Q. I would like to show you an exhibit that has been
20 previously been admitted. It's Government's Exhibit 9.5. Did
21 you read the column that says description and what item they
22 are listed under that?

23 A. Yes, the first one is M. 4 bolt gas ring. The second is
24 firing pin retainer, and the third is -- just says expedite
25 shipping.

1 Q. So just focusing on the first two, are you familiar with
2 those two items?

3 A. Yes.

4 Q. What's an M. 4 bolt gas ring mil?

5 A. A gas ring is a part and component of an M. 4 rifle. It
6 helps regulate the flow of gas into the bolt carrier group.

7 Q. What's a firing pin retainer?

8 A. Firing pin retainer is a part and component of an M. 4
9 that basically helps retain or helps keep the firing pin within
10 the bolt carrier group as well.

11 Q. So let's take these one by one starting with the gas
12 rings. Do you know if M. 4 bolt gas rings were contained on
13 the United States Munitions List in 2016?

14 A. Yes.

15 Q. How do you know?

16 A. Because they were found under category 1 H., which is
17 parts and components of weapons contained under 1 B., which is
18 a fully automatic.

19 Q. How about firing pin retainers? Were they controlled on
20 the United States Munitions List in 2016?

21 A. Yes.

22 Q. How do you know that?

23 A. Because they are contained under category 1 H., which is
24 also the same as parts and components of articles under 1 B.

25 Q. Why were these two items controlled on the United States

1 Munitions List?

2 A. They are controlled because they are inherently specially
3 designed for a defense article. That's why they are on the
4 United States Munitions List.

5 Q. Have you formed an opinion as to whether the items in
6 Government's Exhibit 9.5, the gas rings and the firing pin
7 retainers, required a license to export to Iraq in 2016?

8 A. Yes.

9 Q. What's that opinion?

10 A. That they would require a license to be exported from the
11 country.

12 Q. If an item is on the United States Munitions List, what
13 does a person need to do in order to be able to export that
14 item to a foreign country?

15 A. First of all, a person or a company that's in the business
16 of manufacturing and/or exporting defense articles need to be
17 registered with the state department, with our office,
18 department of -- director of defense trade controls. They
19 register. They will come in. There's a fee structure with
20 that. And once they are registered, then they are eligible to
21 be able to submit licenses to export defense articles.

22 Q. Just because they are registered, are they automatically
23 entitled to a license?

24 A. No.

25 Q. What would they need to show for a license?

1 A. Once they are registered, then they are able to submit
2 licenses through an online portal, D.E.C.C.S. They will be
3 able to submit their licenses through there. It comes to us so
4 we can review it. Each license for export needs to have a
5 purchase order, needs to have an end use statement from a
6 foreign party, and it needs to contain all of the parties
7 involved with the transaction, freight orders, intermediaries,
8 sources, manufacturers, and the license itself needs to have
9 the country of ultimate destination. It needs to have a
10 quantity, needs to have the commodity description, and it needs
11 to have a value.

12 Q. Those requests for licenses through the D.E.C.C.S. system
13 come through your office?

14 A. Yes.

15 Q. In 2016 if you had received an application for a license
16 to ship M. 4 bolt gas rings or firing pin retainers to Iraq,
17 would you approve that request for license?

18 A. Each case is reviewed on a case-by-case basis. First it
19 would need to go through regulatory and administrative to
20 review to make sure they had all the paperwork. If they didn't
21 have the paperwork, it would be sent back and they can
22 resubmit. If we had -- if they had all the correct paperwork
23 and then we'd staff it out to the defense department and other
24 staffing points for -- to review it for national security and
25 foreign policy concerns. For Iraq, Iraq is a 126.1 country

1 which is section 126.1 of the International Traffic and Arms
2 Regulations. That chapter, 126.1, is a listing of countries
3 where we have restrictions for what can be exported to those
4 countries.

5 Q. Is that also known as a policy of denial?

6 A. It can be.

7 Q. Can you explain what that means?

8 A. Yeah, well, it's for -- there's different levels of
9 countries on the 126.1 list. 126 D. 1 are countries that we
10 have a policy of denial. Those are for China, for Iran and
11 Belarus and countries like that. D. 2 countries are other
12 countries which have -- are not as restricted but we have a --
13 generally a policy of denial unless they meet certain
14 carve-outs for each country.

15 Q. Does the state department maintain records of all persons
16 or entities who have registered with D. D. T. C. to be able to
17 be able to export defense articles?

18 A. Yes.

19 Q. Does the state department maintain records of all licenses
20 it has issued for exporting defense articles?

21 A. Yes.

22 Q. Have you checked to see if the defendant Ross Roggio has
23 ever registered with D. D. T. C.?

24 A. Yes.

25 Q. Has he?

1 A. No, he has not.

2 Q. Did you also check a company by the name of Roggio
3 Consulting?

4 A. Yes.

5 Q. And what was the result of that check?

6 A. No company by that name has been registered with us.

7 Q. Have you also checked to see if the defendant Ross Roggio
8 has ever been issued an export license by D. D. T. C.?

9 A. Yes.

10 Q. What was the result of that check?

11 A. We have no record of any export licenses for that
12 individual.

13 Q. How about for Roggio Consulting?

14 A. No.

15 Q. So the defendant has never registered with the state
16 department or been issued any licenses by the state department?

17 A. No.

18 Q. I would like to show you what's been previously marked as
19 Government's Exhibit 19.3. You have a binder three-ring binder
20 I will bring you.

21 A. Yes.

22 Q. Flip to the tab that says 19.3. Look at that and read it
23 to yourself a little bit. Look up when you're ready to
24 proceed. Do you recognize this document?

25 A. Yes.

1 Q. Generally what is it?

2 A. It's a licensing registration check we received that we
3 sent to Homeland Security.

4 Q. And who is this memo from?

5 A. It is from Anthony Dearth.

6 Q. Do you know Anthony Dearth?

7 A. Yes.

8 Q. How are you familiar with Anthony Dearth?

9 A. He used to be the -- well, the licensing director of D. D.
10 T. C. of licensing, and he was also a division chief. And I
11 was under him when he was division chief.

12 Q. Are you familiar with how Mr. Dearth would have created
13 one of these memorandum?

14 A. Yes.

15 Q. And are these memos maintained in the state department's
16 files as records of regularly conducted activity?

17 MR. CLAFFEE: Your Honor, we move to admit
18 Government's Exhibit 19.3.

19 MR. BARTOLAI: No objection.

20 THE COURT: Government's Exhibit 19.3 is admitted.

21 MR. CLAFFEE: May we publish?

22 THE COURT: Yes.

23 BY MR. CLAFFEE:

24 Q. I will direct to direct your attention to the second
25 paragraph of this memo. What does this paragraph say

1 generally? You don't need to read the whole thing.

2 A. This paragraph basically says that we did a search in our
3 systems for a Ross William Roggio Consulting and Ross Gotham
4 Brogan.

5 Q. The next page, the first full paragraph, what does that
6 generally say?

7 A. That we also did a search for a Roggio Consulting
8 Corporation in our systems.

9 Q. Is the license and registration history check in this
10 exhibit consistent with the checks you performed yourself?

11 A. Yes.

12 Q. You testified earlier that an M. 4 rifle was a defense
13 article in 2016. Are you also familiar with what a defense
14 service is?

15 A. Yes.

16 Q. What is a defense service?

17 A. A defense service is when a person or a company furnishes
18 assistance to a foreign party in the design, development,
19 production, manufacture, operation, use, integration of a
20 defense article.

21 Q. In your opinion, would assisting or training a foreign
22 person in the manufacture of an M. 4 rifle be a defense
23 service?

24 A. Yes.

25 Q. What about assisting or training in the production of an

1 M. 4 rifle?

2 A. Yes.

3 Q. Or assisting or training in the assembly of an M. 4 rifle?

4 A. Yes.

5 Q. Assisting in the testing of an M. 4?

6 A. Yes.

7 Q. What, if anything, is required from D. D. T. C. before a
8 U.S. person can provide a defense service?

9 A. It's similar to what -- the other licenses we receive. We
10 need to receive a -- it's called a technical assistance
11 agreement. It's a larger license which includes -- could
12 include hardware, and it's for larger programs where we need --
13 where there needs to be an exchange and a back and forth of
14 assistance and tech data and defense services in the making or
15 distributing or sale of a defense article.

16 It's different than a regular hardware license because
17 that's just a straight up company -- country A. is buying a gun
18 from somebody and they're just shipping it to them. This one
19 is when they need to have a back and forth and we need to
20 provide assistance in order to do whatever they are trying to
21 do.

22 Q. Okay. Would your license check that you performed on the
23 defendant have turned up any of these technical assistance
24 agreements or written approvals from D. D. C. T. to provide
25 defense services?

1 A. Yes.

2 Q. Did any of those show up?

3 A. No.

4 Q. So the defendant did not have any registration, license or
5 approval from D. D. T. C. to provide any defense services
6 either?

7 A. No.

8 Q. I would like to show you what's been previously marked as
9 Government's Exhibit 19.5 if you want to just flip two more in
10 the binder. Do you recognize this exhibit?

11 A. Yes.

12 Q. Generally what is it?

13 A. It's a letter to Homeland Security talking about the
14 classification of certain articles and whether they fall on the
15 U.S. --

16 Q. Who sent this letter?

17 A. This is from a Rick Koelling.

18 Q. I think you said he goes by Rick?

19 A. Yes.

20 Q. Do you know Rick Koelling?

21 A. Yes, I do.

22 Q. Who is he?

23 A. He is the deputy director for the Office of Defense Trade
24 Controls and Policy.

25 Q. Are you familiar with how Mr. Koelling would come to

1 create a letter like this?

2 A. Yes.

3 Q. And are letters like these made in the regular course of
4 business of the D. D. T. C.?

5 A. Yes.

6 Q. And are they maintained in D. D. T. C.'s files of
7 regularly conducted business activity?

8 A. Yes, they are.

9 MR. CLAFFEE: Your Honor, I move to admit
10 Government's Exhibit 19.5.

11 MR. BARTOLAI: No objection.

12 THE COURT: 19.5 is admitted. You can publish.

13 BY MR. CLAFFEE:

14 Q. Thank you. So I would like to direct your attention to
15 just the second page of this exhibit. In the middle of the
16 first there's a first full paragraph. Read the sentence that
17 starts for the period of.

18 A. Okay. For the period of January 1st, 2015 through March
19 20th, 2018, D. T. C. P. has determined that there is no doubt
20 the M. 4 fully automatic firearm and the furnishing of
21 assistance including training to a foreign person in the
22 manufacture, production, assembly, testing, operation or use of
23 an M. 4 firearm were and are described in U.S.M. L. category 1
24 B. and 1 I. respectively.

25 Q. You can stop there. Then looking at the second paragraph

1 starting with additionally, will you please read the first
2 sentence of that paragraph.

3 A. Additionally for the period of January 1st, 2015 through
4 March 20th, 2018, D. T. C. P. has determined that there is no
5 doubt that the M. 4 bolt gas rings M. I. L. and M. 4 firing pin
6 retainers were described in U.S.M.L. category 1 H.

7 Q. Are the conclusions contained in this letter consistent
8 with your independent expert opinion that you offered the jury
9 earlier?

10 A. Yes.

11 MR. CLAFFEE: No further questions, Your Honor.

12 THE COURT: Cross-examine.

13 MR. BARTOLAI: Yes, may I have a moment?

14 THE COURT: Sure.

15 MR. BARTOLAI: Good afternoon.

16 THE WITNESS: Good afternoon.

17 CROSS EXAMINATION

18 BY MR. BARTOLAI:

19 Q. Can I have Government's Exhibit 19.5, please? I think --
20 the next page, please. I'm pointing out for the period of
21 January 1st, 2015. You read this to the jury, right?

22 A. Yes.

23 Q. You stopped I think it was around after it said
24 respectively about six lines down or five lines down?

25 A. Yeah.

1 Q. Read on. What does that mean?

2 A. What's it mean, or what does it say?

3 Q. Consequently -- read that to the jury.

4 A. Sure. Consequently, a commodity jurisdiction
5 determination as described in I.T.A.R. 120.4 is not required.

6 Q. What's not required?

7 A. A commodity or jurisdiction determination.

8 Q. What is that?

9 A. That's when there is doubt as to if a manufacturer or an
10 he exporter has doubt as to something as on the U.S.M.L.,
11 United States Munitions List, and they can submit a commodity
12 jurisdiction request to our commodity jurisdiction team.

13 Q. So, okay. I understand. If it's doubtful they can submit
14 that request. Is that what that's about?

15 A. Yeah.

16 Q. If there's dual purposes, is that a reason to be doubtful
17 for an item, dual purposes?

18 A. No.

19 Q. No. Like, for instance, the difference between a firing
20 pin retainer and cotter pin, is that just semantics?

21 A. And a what?

22 Q. Cotter pin.

23 A. I don't know what a cotter pin is.

24 Q. Okay. All right. How about can I have -- there's a photo
25 of some -- let me get that.

1 MR. BARTOLAI: May I have a moment, Your Honor?

2 THE COURT: Yes, of course.

3 MR. BARTOLAI: Can I have 10.3, please? So do you
4 know what these are when you look at Government's Exhibit 10.3?

5 THE WITNESS: Yes.

6 BY MR. BARTOLAI:

7 Q. What are they?

8 A. Those look like firing pin retainers.

9 Q. Do you know if they are mil spec from looking at them?

10 A. They are on the United States Munitions List.

11 Q. How about was there a difference between mil spec and
12 what's on the United States Munitions List?

13 A. There could be, yes.

14 Q. There could be, okay. What does mil spec mean?

15 A. Mil spec means it's something that was designed or it's --
16 what it means if something is designed and it's up to certain
17 specifications that the military requires.

18 Q. In other words, it could look like this and it can be made
19 out of some sort of base metal that wouldn't cut it for
20 military purposes, right?

21 A. I guess, yes.

22 Q. Okay. Good. How about Government's Exhibit 10.2? Can
23 you tell us what they are?

24 A. Yeah, those are the gas bolt rings.

25 Q. Do you know whether or not they are mil spec?

1 A. No.

2 Q. And I think -- and I know you -- can I have 19.3 for a
3 moment, please? Government's Exhibit 19.3. And I think this
4 is a multi-page document. Would you go to the next page? Stop
5 right there. Thank you. And we have -- you recall testifying
6 to that, correct?

7 A. Yes.

8 Q. It says history check -- a license and registration
9 history check for Roggio Consulting Company, right --

10 A. Yes.

11 Q. And also the next one would be Roggio Arsenal, right?

12 A. Yes.

13 Q. And the next paragraph, Kristy Lynn Roggio, correct?

14 A. Yes.

15 Q. That would be the next paragraph, second line.

16 A. Yes.

17 Q. And the next paragraph, Amanda Mecomber?

18 A. Yes.

19 Q. The very first one was Ross Roggio, correct?

20 A. Yes.

21 Q. And the government asked you -- or the case agents in this
22 case submitted those names and asked you to run the check on
23 those names?

24 A. Yes.

25 Q. Is that how that works? All right. You said -- you

1 talked a little bit about the munitions list. What are defense
2 articles was the question, and I believe it was your answer,
3 things that are on the munitions list, right. And I think you
4 -- you went a little bit farther. Things that are specifically
5 designed for military purposes?

6 A. Yes.

7 Q. So an AR-15 versus an M. 4, is that a defense article?

8 A. What kind of AR-15?

9 Q. Colt AR-15, like, a Colt type -- I guess -- well, I have
10 to get specific I guess, right. Like a Colt A. 4, AR-15?

11 A. A fully automatic one, no. A semiautomatic Colt firearm
12 or a Colt AR-15 is not.

13 Q. Is not. In other words, so it has to be fully automatic
14 to be on the munitions list?

15 A. Currently, yeah.

16 Q. Now, these parts you, know, these firing pin retainers,
17 they are interchangeable with AR-15s, right?

18 A. They could be, yes.

19 Q. As well as the gas ring containers, they can be
20 interchangeable with AR-15s?

21 A. Yes, they could be.

22 Q. It's the same platform, correct?

23 A. Same platform? It's different platforms, same part.

24 Q. Thank you.

25 MR. BARTOLAI: Nothing further.

1 THE COURT: Redirect?

2 MR. CLAFFEE: Briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. CLAFFEE:

5 Q. I believe in response to one of counsel's last questions
6 he asked you if a semiautomatic AR-15 was on the United States
7 Munitions List, and I believe you said currently not. Is that
8 right?

9 A. Yes.

10 Q. What about in 2016?

11 A. It was on the -- it was considered a defense article in
12 2015.

13 Q. And 2016?

14 A. 2016 as well.

15 MR. CLAFFEE: Thank you. No further questions.

16 MR. BARTOLAI: Your Honor, I'm sorry. I had another
17 question that I forgot to ask, and I think it's --

18 MR. CLAFFEE: Is it within the scope of direct?

19 MR. BARTOLAI: It is.

20 RECROSS EXAMINATION

21 BY MR. BARTOLAI:

22 Q. When you talk about things on the munitions list and the
23 regulations, would you agree with me that aside from a license,
24 other approval can be done on a case-by-case basis?

25 A. Sometimes, yes.

1 Q. For instance, non-lethal military equipment, correct?

2 A. To who?

3 Q. To Iraq or these countries on the D. 2 list.

4 A. If it's -- are you saying they wouldn't require a license?

5 Q. No, they can other approval though.

6 A. I'm sorry. I am confused by your --

7 Q. In other words, if there's a policy against shipping items
8 to Iraq, there can be a license or other approval can be issued
9 on a case-by-case basis for that type of services and those
10 type of items, defense articles?

11 A. For Iraq -- the carve-outs for exports to Iraq are for --
12 we'd only accept licenses for non-lethal stuff or stuff that
13 was approved by the national government of Iraq.

14 Q. Or lethal military equipment required by the government of
15 Iraq or coalition forces, correct?

16 A. Yes.

17 Q. So that would be an exception?

18 A. No. You would still require a license, but we'd be able
19 to approve it if it was for those end use purposes.

20 Q. For the government of Iraq or for the coalition forces?

21 A. Yes.

22 MR. BARTOLAI: Nothing further. Thank you.

23 MR. CLAFFEE: Quick clarifying question, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. CLAFFEE:

1 Q. Even if one were to seek a license through this other
2 approval exceptions that counsel just referred to, would one
3 still have to be registered with D. D. T. C.?

4 A. Yes.

5 MR. CLAFFEE: That's it.

6 RECROSS EXAMINATION

7 BY MR. BARTOLAI:

8 Q. Are there any circumstances where the other approval
9 wouldn't be in your indices of who has a license and who does
10 not?

11 A. No.

12 Q. No. Very good. Thank you.

13 THE COURT: Thank you, sir. You can step down.

14 MR. CLAFFEE: May the witness be excused?

15 THE COURT: Any objection to him being excused?

16 MR. BARTOLAI: No objection.

17 THE COURT: The witness is excused. Call your next
18 witness.

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REPORTER'S CERTIFICATE

I, Laura Boyanowski, RMR, CRR, Official Court Reporter for the United States District Court for the Middle District of Pennsylvania, appointed pursuant to the provisions of Title 28, United States Code, Section 753, do hereby certify that the foregoing is a true and correct transcript of the within-mentioned proceedings had in the above-mentioned and numbered cause on the date or dates hereinbefore set forth; and I do further certify that the foregoing transcript has been prepared by me or under my supervision.

s/ Laura Boyanowski, RMR, CRR
Laura Boyanowski, RMR, CRR
Official Court Reporter

REPORTED BY:

LAURA BOYANOWSKI, RMR, CRR
Official Court Reporter
United States District Court
Middle District of Pennsylvania
235 N. Washington Avenue
Scranton, PA 18503

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